

EXHIBIT 23

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN FRANCISCO DIVISION
4 CASE NO: 3:19-CV-0410-EMC

5
6 ASETEK DANMARK A/S ,)
7))
8 PLAINTIFF AND)
9 COUNTER-DEFENDANT ,))
10))
11 V .)
12))
13 COOLIT SYSTEMS , INC. ,)
14))
15 DEFENDANT AND)
16 COUNTER-CLAIMANT ,))
17))
18 COOLIT SYSTEMS USA INC. , COOLIT)
19 SYSTEMS ASIA PACIFIC LIMITED , COOLIT)
20 SYSTEMS (SHENZHEN) CO. , LTD. ,)
21))
22 DEFENDANTS ,)
23))
24 CORSAIR GAMING INC. , AND CORSAIR)
25 MEMORY , INC. ,))
26))
27 DEFENDANTS .)
28
29 -----)

30 VIDEOTAPED REMOTE ZOOM DEPOSITION
31 HIMANSHU POKHARNA, PH.D.
32 MONDAY, JANUARY 10, 2022

33
34 JOB NO. 5008259
35 REPORTED BY: DAYNA HESTER, C.S.R. 9970

1 VIDEOTAPED REMOTE ZOOM DEPOSITION OF HIMANSHU
2 POKHARNA, PH.D., TAKEN ON BEHALF OF PLAINTIFF AND
3 COUNTER-DEFENDANT ASETEK DANMARK A/S, AT 9:05 A.M.,
4 MONDAY, JANUARY 10, 2022, WITH THE WITNESS, COURT
5 REPORTER, AND VIDEOGRAPHER APPEARING REMOTELY VIA
6 ZOOM VIDEOCONFERENCE, BEFORE DAYNA HESTER, C.S.R.
7 NO. 9970.

8
9 APPEARANCES OF COUNSEL:

10 FOR PLAINTIFF AND COUNTER-DEFENDANT
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30 -- APPEARANCES CONTINUED ON NEXT PAGE --

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15 SOSEH KEVORKIAN, VIDEOGRAPHER
(PRESENT VIA ZOOM VIDEOCONFERENCE)

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1 THE WITNESS: Figure 7 contradicts that. 13:26
2 THE REPORTER: Thank you. 13:26
3 BY MS. BHATTACHARYYA: 13:27
4 Q. What is the basis for your statement that 13:27
5 Figure 7 contradicts Figure 6 of Bonde? 13:27
6 MR. DYER: Objection. Asked and answered. 13:27
7 THE WITNESS: Because of two reasons. 13:27
8 One, the Channel 92 are pointed to twice 13:27
9 in both sections of Figure 7. 13:27
10 And on top of that, he points to two 13:27
11 separate sections as -- and I will find the exact 13:27
12 phrase he used, but it's in Column 7 of what you 13:28
13 read -- as kind of separate entrances in 13:28
14 microchannels that are separately marked as 92 in 13:28
15 those two sections. 13:28
16 And I may be incorrect, but I do not 13:28
17 recall the disclosure saying they are continuous or 13:28
18 they are discontinuous. 13:28
19 BY MS. BHATTACHARYYA: 13:28
20 Q. Let's turn to Paragraph 74 of your expert 13:28
21 report, which is Exhibit 349. 13:28
22 A. Yeah. 13:28
23 Q. Aside from the time when you inspected the 13:28
24 Antarctica device in Asetek's counsel's office in 13:29
25 Palo Alto, have you -- have you seen or inspected an 13:29

1 Antarctica device at any other time? 13 : 29

2 A. No, I have not. 13:29

3 Q. When you inspected the Antarctica device 13:29

4 in Asetek's counsel's office, you took some 13:29

5 measurements with a caliper of the width between the 13:29

6 microchannels in the Antarctica device; right? 13:29

7 A. Yeah. Yeah. The gap between the 13:29

8 microchannel -- the gap between the two fins. 13:29

9 THE REPORTER: The gap between the two -- 13:29

10 the gap between the two... 13:29

11 THE WITNESS: The two fins. Two fins. 13:29

12 BY MS. BHATTACHARYYA: 13:30

13 Q. When you measured the -- the gap between 13:30

14 the two adjacent fins, you took that measurement 13:30

15 at -- at the top of the gap between the fins; right? 13:30

16 A. Yes. Those gaps appeared to be machined 13:30

17 where I would expect the gap on top to be the 13:30

18 representative of the entire gap. 13:30

19 If at all, the -- because of -- the reason 13:30

20 they are machined and not cast or not extruded, the 13:30

21 top might be the narrowest point on this. 13:30

22 And, therefore, I inspected the device for 13:30

its substantial kind of gap in uniform because, 13:31

24 again, if it were not a machined part and extruded 13:31

25 part, like the aluminum channels might be, then I 13:31

1 would inspect both the bottom and the top. Then I 13:31
2 would get detailed measurement of bottom and top 13:31
3 because they would be different. In this case, they 13:31
4 were the same. 13:31

5 And, therefore, what we have recorded here 13:31
6 is the top of the channels. There is no machine 13:31
7 that could -- well, let me take that back. 13:31

8 There is no mass-produced machining. This 13:31
9 was clearly made using -- it seemed to me a saw or 13:31
10 some sort of end mill. And those saws and end mills 13:31
11 should produce channels that have uniform gap 13:31
12 between them. And I visually inspected and verified 13:31
13 that to the best of my ability that, you know, a 13:31
14 human eye can. 13:32

15 And, therefore, I took the measurements 13:32
16 where it was easy to take measurements without 13:32
17 introducing other errors. 13:32

18 Q. You did not take any measurements at the 13:32
19 base of the -- the microchannels on the Antarctica 13:32
20 device; right? 13:32

21 A. It's not reasonable because at the base 13:32
22 there was a little bit of a radius. And, you know, 13:32
23 that's not really representative of the channel gap. 13:32
24 And I took it in a place which is representative of 13:32
25 the gap and not because -- in a U channel, right, 13:32

1 you could always go back and -- you know, in a U 13:32
2 take some distance measurement that is kind of 13:32
3 like -- you know, could be anything. 13:32

4 But to a person of ordinary skill in the 13:33
5 art, a mechanical engineer who understands how these 13:33
6 devices function, how these devices are machined, I 13:33
7 believe I took the measurement at the right place, 13:33
8 which is the top. 13:33

9 Q. And I'm not asking you what is the best 13:33
10 way to take measurement. 13:33

11 I -- I just want to get it -- I just want 13:33
12 to note, when you inspected the Antarctica device in 13:33
13 Asetek's counsel's office, you only took 13:33
14 measurements at the -- at the top of the 13:33
15 microchannels and you did not take any measurements 13:33
16 at the base; right? 13:33

17 A. Yeah. Because at the base it is fraught 13:33
18 with most errors and -- and inconsistencies, which 13:33
19 are pretty apparent in this entire argument from -- 13:33
20 from Dr. Tuckerman, which, you know, sometimes talks 13:33
21 about .6 to .7 and sometimes talk about .9 to 13:33
22 point -- 1.0. And sometimes talks about .93. 13:33

23 But he -- I can explain away a lot of 13:34
24 those inconsistencies because the way the 13:34
25 measurement was done was not in a place that was 13:34

1 appropriate for the measurement of the gap of the 13:34
2 channel. 13:34

3 But to answer your question, yes, I did 13:34
4 not measure it at a place where I did not think it 13:34
5 was reasonable to measure that gap. 13:34

6 Q. So you -- so you did not measure the -- 13:34
7 the microchannels of the Antarctica at the base; 13:34
8 right? 13:34

9 A. Yeah. Not at the point where there is 13:34
10 like -- there is a possibility of inconsistent 13:34
11 measurement, where there is a possibility of making 13:34
12 a measurement that is smaller than the tool that was 13:34
13 used to create that gap. That's clearly 13:34
14 inconsistent and not really representative of the 13:34
15 gap. 13:34

16 The tool was .93 based on the testimony 13:34
17 that I read from Dr. Tuckerman. And he measured .9. 13:34
18 There is no person -- a person of ordinary skill -- 13:35
19 or there is no reasonable person who can say that 13:35
20 they can make a gap using a tool to make that gap 13:35
21 that is smaller than the tool itself. Just simply 13:35
22 physically impossible. 13:35

23 And that's the reason that I did not take 13:35
24 a measurement at a place which is 13:35
25 indeterminate because it has a feature that is, you 13:35

1 know, just impossible to really measure. 13:35
2 I can measure literally, probably even, 13:35
3 you know, zero width at -- at the -- you know, at 13:35
4 the bottom of that particular section. Right. That 13:35
5 is not representative of the gap. 13:35
6 To a person of ordinary skill, when you 13:35
7 see a gap, this is the gap that is present between 13:35
8 those two channels. And that's what I measured. 13:35
9 Q. Dr. Pokharna, did you or did you not take 13:35
10 any measurements of the microchannels in the 13:35
11 Antarctica device at the base of the channel? 13:36
12 A. The base of the channels are 13:36
13 indeterminant; so I did not take any measurement in 13:36
14 the place where I did not think it made any sense. 13:36
15 Q. Dr. Pokharna, did you or did you not take 13:36
16 any measurements of the microchannels in the 13:36
17 Antarctica device at the base of the microchannel? 13:36
18 MR. DYER: Objection. Asked and answered. 13:36
19 THE WITNESS: I could take a zero 13:36
20 measurement also at the base, and I think that is 13:36
21 also nonsensical. 13:36
22 BY MS. BHATTACHARYYA: 13:36
23 Q. Dr. Pokharna, I'll keep asking the 13:36
24 question. If you want to -- did you or did you not 13:36
25 take any measurements of the width of the 13:36

1 microchannels in the Antarctica device at the base 13:36
2 of those channels? 13:36
3 13:37
4 13:37
5 THE WITNESS: Like I said before, at the 13:37
6 base I can measure even zero, and that's not 13:37
7 something that I would put my reputation on by 13:37
8 calling something what is not. 13:37
9 13:37
10 I took the measurement where it made 13:37
11 sense. And -- and -- and verified that I believe at 13:37
12 least eight times, and I stand behind my 13:37
13 measurements. 13:37
14 BY MS. BHATTACHARYYA: 13:37
15 Q. Again, that doesn't answer my question. 13:37
16 I'll ask you a different question. 13:37
17 13:37
18 Would you agree, Dr. Pokharna, that when 13:37
19 you inspected the Antarctica device in Asetek's 13:37
20 counsel's office, you did not take any measurements 13:37
21 of the width of the microchannels in the Antarctica 13:37
22 device at the base of those microchannels? 13:37
23 A. It's something that I do not think that I 13:37
24 could take any consistent measurements on. And, 13:37
25 therefore, I did not take any measurements on a 13:37
 13:37
 13:37
 13:37
 13:37
 13:38

1 providing rebuttal testimony in the future depending 14:49
2 on the Court's ruling on any upcoming motion to 14:49
3 exclude or strike. 14:49

4 Thank you. 14:49

5 MS. BHATTACHARYYA: No further questions 14:49
6 for Dr. Pokharna. 14:49

7 MR. DYER: Okay. And I have no questions 14:49
8 for Dr. Pokharna. 14:49

9 MS. BHATTACHARYYA: Thank you, 14:49
10 Dr. Pokharna. 14:49

11 THE VIDEOGRAPHER: Okay. 14:49

12 THE WITNESS: Thank you, Counselors. 14:49

13 Thank you, Madam Reporter. 14:49

14 THE VIDEOGRAPHER: We are going off the 14:49
15 record at 2:49 p.m. 14:49

16 And this concludes today's testimony given 14:49
17 by Dr. Himanshu Pokharna. The total number of media 14:49
18 units used was seven and will be retained by 14:49
19 Veritext. 14:49

20 (Whereupon, at 2:49 p.m., the deposition
21 of HIMANSHU POKHARNA, Ph.D. was
22 adjourned.)

23 --- ooo ---
24
25

1 STATE OF CALIFORNIA

)

2 COUNTY OF LOS ANGELES

) SS.

3
4 I, Dayna Hester, C.S.R. No. 9970, in
5 and for the State of California, do hereby certify:

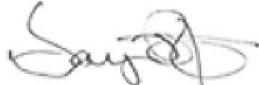
6 That, prior to being examined, the witness
7 named in the foregoing deposition was by me duly
8 sworn to testify to the truth, the whole truth, and
9 nothing but the truth;

10 That said deposition was taken down by me
11 in shorthand at the time and place therein named and
12 thereafter reduced to typewriting under my
13 direction, and the same is a true, correct, and
14 complete transcript of said proceedings;

15 That if the foregoing pertains to the
16 original transcript of a deposition in a Federal
17 Case, before completion of the proceedings, review
18 of the transcript { } was { } was not required;

19 I further certify that I am not interested
20 in the event of the action.

21 Witness my hand this 14th day of
22 January, 2022.



23
24 Certified Shorthand Reporter
25 for the State of California